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**THE CITY OF NEW YORK
LAW DEPARTMENT**

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May 18, 2023

Via ECF

Honorable Mary Kay Vyskocil
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Rodriguez v. New York City Department, et al.
Civil Action No.: 21-cv-03561 (MKV)
Law Dept. No.: 2021-011295

Dear Judge Vyskocil:

I am an Assistant Corporation Counsel in the Office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, attorney for Defendants, New York City Department of Education, Lauren Kearley, and Cathie Condon (collectively, "Defendants") in the above-referenced matter. The parties write in accordance with Your Honor's Individual Rules and Practices (2)(G) to seek an adjournment of the May 23, 2023 status conference until a date that is convenient for the Court as well as a three-month extension of the fact discovery deadline from May 23, 2023 to August 23, 2023. This is the parties' first request for an extension of fact discovery.

The parties seek an adjournment of the May 23, 2023 conference due to defense counsel's scheduled court appearance in another case. The parties also seek a three month extension of fact discovery from May 24, 2023 to August 24, 2023 to conduct electronic discovery in this matter and take depositions. To date, the parties have exchanged initial disclosures, document demands, interrogatory requests, and served discovery responses. Defendants will shortly be proposing search terms for electronically stored information ("ESI") discovery. Once the parties agree upon the search term parameters, Defendants will begin their collection and their review of relevant ESI. Following the production of these additional documents, the parties intend to take at least three depositions. Enclosed is a proposed revised case management plan.

As such, the parties respectfully request that the date to complete discovery be extended from May 24, 2023 to August 24, 2023, and the May 23, 2023 status conference be adjourned to a date that is convenience for the Court.

We thank the Court for its consideration of this request.

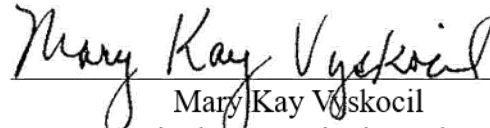
Respectfully submitted,

/s/
Rachel M. DiBenedetto
Assistant Corporation Counsel

cc: George T. Peters (via ECF)
Attorney for Plaintiff

The request to adjourn the May 23, 2023 Status Conference is GRANTED. The May 23, 2023 Status Conference is ADJOURNED to July 5, 2023 at 2:00 PM. The parties' request for an adjournment of the fact discovery deadline is GRANTED IN PART and DENIED IN PART. The fact discovery deadline is ADJOURNED to June 30, 2023. The parties may not wait until the last minute to seek extensions in the future. Failure to move this case and to comply with court orders and this Court's Individual Rules of Practice will risk sanctions, including potentially dismissal of claims and/or defenses, preclusion of evidence, and/or monetary penalties. SO ORDERED.

Date: 5/22/2023
New York, New York


Mary Kay Vyskocil
United States District Judge